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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,973	10/16/2004	Salvador Alvarez	3061-02	5972

37101 7590 05/23/2005

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EXAMINER

FISCHMANN, BRYAN R

ART UNIT PAPER NUMBER

3618

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/711,973	Applicant(s) ALVAREZ, SALVADOR	
	Examiner Bryan Fischmann	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02-14-05</u> | 6) <input type="checkbox"/> Other: _____ |

[Handwritten signature]

Specification

1. The abstract of the disclosure is objected to because of the following:

A) The abstract uses legal terms such as "said" (see MPEP 608.01(b)).

2. The specification is objected to because of the following:

B) The following recited phrases are unclear, awkwardly worded, and/or grammatically incorrect:

1) The use of "square brackets" to enclose paragraph numbers is objected to, as 37 CFR 1.121 sets forth that square brackets are to be used to enclose material to be deleted. This could potentially cause confusion when the patent is to be printed as to whether the paragraph numbers are intended to be deleted.

2) The specification is objected to, as it does not make clear where the adhesive is applied to sheet 14, or where the ends of the sheet 14 are joined. From examination of Figure 6, it would appear the ends of the sheet 14 are joined at the bottom of the sheet, though this is not clear. If the sheet ends were intended to be joined at the pull strip, it is not clear how this would be accomplished.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adhesive strip and the "perforated" pull-away strip recited in claim 1, the sheet made-up of a plurality of sheets as recited in claim 15 and the two or more sheaths as recited in claim 16 must be shown or the features canceled from the claims. No new matter should be entered.

Note that although the pull away strip, reference number 18, is illustrated on Figures 4-6, this illustrated strip does not appear to be "perforated".

4. It is considered unclear what the "joint" and the "bulge" at the bottom of the sheet on Figure 6 are meant to represent.

Claim Objections

5. Claims 1-18 are objected to because of the following:

A) The use of "square brackets" to enclose claim numbers is objected to, as 37 CFR 1.121 sets forth that square brackets are to be used to enclose material to be deleted. This could potentially cause confusion when the patent is to be printed as to whether the claim numbers are intended to be deleted.

B) The recitation of "an adhesive strip positioned about one side of a surface of said sheet for securing said sheet about said handle" in claim 1 is objected to, as Applicant has not made clear where the sheet is joined. From examination of Figure 6, it would appear the ends of the sheet 14 are joined at the bottom of the sheet, though

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this is not clear. If the sheet ends were joined at the pull strip, it is not clear how this would be accomplished.

B) It is unclear why the term "sheath" in claim 17 is associated with reference number 12, when no other "parts" in the claims are identified by a reference number. Also, when reference numbers are used in the claims, they are generally enclosed within parenthesis.

Also, to improve wording in claim 17, it is believed that the word "the" should precede the word "sheath" recited in the last line of claim 17.

Allowable Subject Matter

6. Claim 1 would be allowable if rewritten or amended to overcome the claim objections to claim 1 set forth in this Office action.

7. Claims 2-18 would be allowable if rewritten to overcome the claim objections set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

8. The following is an Examiner's statement of reasons for allowance of independent claim 1:

Claim 1 recites the limitation of a disposable sanitary sheath for a shopping cart handle comprising; a sheet wrappable about said handle, an adhesive strip positioned about one side of a surface of said sheet for securing said sheet about said handle, a perforated pull-away strip disposed along the length of said sheet, and a pull tab

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accommodated on said pull-away strip. This limitation, in combination with the other limitations of claim 1, were not found in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. This application is in condition for allowance except for the following formal matters:

The abstract, specification, drawing and claim objections set forth in this Office Action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Peters, Duer, Stokes, Pettigrew, et al – teach a cover for a shopping cart handle

B) Tessera-Chiesa, Weder, et al, DE 4213463 – teach a pull tab in conjunction with an adhesive

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11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (571) 272-6694. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis, can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5-12-5
BRYAN FISCHMANN
PRIMARY EXAMINER